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HOUSE BILL 1256

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO GAMING; PROVIDING FOR EXCEPTIONS TO CERTAIN RULES OF THE GAMING CONTROL BOARD RELATING TO RELIGIOUS ORGANIZATIONS WITH LIMITED RESOURCES LICENSED PURSUANT TO THE BINGO AND RAFFLE ACT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2B-8 NMSA 1978 (being Laws 1981, Chapter 259, Section 8) is amended to read:

"60-2B-8. PERSONS PERMITTED TO CONDUCT GAMES--PREMISES--EQUIPMENT--EXPENSES [~~COMPENSATION~~].--

A. No person shall hold, operate or conduct any games of chance under [~~any~~] a license issued under the Bingo and Raffle Act, except an active member of the organization to which the license is issued [~~and~~]. No person shall assist in the holding, operating or conducting of any games of chance

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1 under that license, except a person who is an active member or  
2 a member of an organization or association [~~which~~] that is an  
3 auxiliary to the licensee, a member of an organization or  
4 association of which the licensee is an auxiliary or a member  
5 of an organization or association [~~which~~] that is affiliated  
6 with the licensee by being, with it, auxiliary to another  
7 organization or association and except [~~bookkeepers or~~  
8 ~~accountants~~] a person who is a bookkeeper or an accountant as  
9 provided in this section. No item of expense shall be incurred  
10 or paid in connection with the holding, operating or conducting  
11 of [~~any~~] a game of chance held, operated or conducted pursuant  
12 to [~~any~~] a license issued under that act, except bona fide  
13 expenses in reasonable [~~amount~~] amounts for goods, wares and  
14 merchandise furnished or services rendered, reasonably  
15 necessary for the holding, operating or conducting [~~thereof~~] of  
16 the game. No games of chance shall be conducted with [~~any~~]  
17 equipment except that which is owned or leased by the licensee.

18 B. The officers of a licensee shall designate a  
19 bona fide active member of the licensee to be in charge of and  
20 primarily responsible for the conduct of the games of bingo or  
21 lotto on each occasion. The member in charge shall supervise  
22 all activities on the occasion for which [~~he~~] the member is in  
23 charge and be responsible for the making of the required  
24 report. The member in charge shall be familiar with the  
25 provisions of the state laws, the rules and regulations of the

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1 licensing authority and the provisions of the license. [~~He~~]  
2 The member in charge shall be present on the premises  
3 continuously during the games and for a period of at least  
4 thirty minutes after the last game.

5 C. The officers of a licensee shall designate an  
6 officer to be in full charge and primarily responsible for the  
7 proper utilization of the entire net proceeds of any game in  
8 accordance with state law.

9 D. The entire net proceeds of any game shall be  
10 devoted to a lawful use [~~or uses~~].

11 E. Each license issued for the conduct of games of  
12 chance shall be conspicuously displayed at the place where  
13 [~~any~~] a game is being conducted at all times during the conduct  
14 of the game and for at least thirty minutes after the last game  
15 has been concluded.

16 F. The premises where [~~any~~] a game of chance is  
17 being held, operated or conducted or where it is intended that  
18 any equipment be used shall at all times be open to inspection  
19 by the licensing authority, its agents and employees and by  
20 peace officers of [~~any~~] a political subdivision of the state.

21 G. No licensee may hold, operate or conduct a game  
22 of bingo or lotto more often than on two hundred sixty  
23 occasions in [~~any~~] a calendar year.

24 H. When [~~any~~] a merchandise prize is awarded in a  
25 game of bingo, its value shall be its current retail price. No

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1 merchandise prize shall be redeemable or convertible into cash  
2 directly or indirectly.

3 I. Equipment, prizes and supplies for games of  
4 bingo shall not be purchased or sold at prices in excess of the  
5 usual price [~~thereof~~] of the equipment, prizes and supplies.

6 J. The aggregate amount of all prizes offered or  
7 given in all games played on a single occasion shall not exceed  
8 one thousand five hundred dollars (\$1,500), which shall be  
9 exclusive of pull tabs.

10 K. No games shall be conducted more than five times  
11 in any one calendar week, with no game lasting more than four  
12 hours on each occasion and not more than two occasions in one  
13 calendar day by any one licensee.

14 L. The net profits derived from the holding of  
15 games of chance [~~must~~] shall be devoted to the lawful purposes  
16 of the organization permitted to conduct the games. [~~Any~~] An  
17 organization desiring to hold the net profits of games of  
18 chance for a period longer than one year [~~must~~] shall apply to  
19 the licensing authority for special permission, and, upon good  
20 cause shown, the authority shall grant the request.

21 M. [~~Any~~] A licensee [~~which~~] that does not report,  
22 during any one-year period, net profits [~~will~~] shall be  
23 required to show cause before the licensing authority why its  
24 right to conduct games of bingo should not be revoked.

25 N. No person shall assist in the holding, operating

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1 or conducting of a bingo game under [~~any~~] a license except bona  
2 fide active members of the licensee, active members of [~~any~~] an  
3 organization [~~which~~] that is an auxiliary to the licensee or  
4 active members of an organization [~~which~~] that is affiliated  
5 with the licensee by being, with it, auxiliary to another  
6 organization.

7 O. The equipment used in the playing of bingo and  
8 the method of play shall be such that each card has an equal  
9 opportunity to be a winner. The objects or balls to be drawn  
10 shall be essentially the same as to size, shape, weight,  
11 balance and all other characteristics that may influence their  
12 selection. All objects or balls shall be present in the  
13 receptacle before each game is begun. All numbers announced  
14 shall be plainly and clearly audible to all the players  
15 present. Where more than one room is used for [~~any~~] one game,  
16 the receptacle and the caller [~~must~~] shall be present in the  
17 room where the greatest number of players are present, and all  
18 numbers announced shall be plainly audible to the players in  
19 the [~~aforesaid~~] room where the receptacle and caller are and  
20 [~~also~~] audible to the players in the other rooms. A fair and  
21 equal chance shall be given to all participants, and [~~any~~] a  
22 licensee, its representative, agent or employees whose acts or  
23 action may tend to negate the "right of equal chance" shall  
24 constitute grounds for revoking [~~such~~] the license.

25 P. The receptacle and the caller who removes the

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1 objects or balls from the receptacle [~~must~~] shall be visible to  
2 all the players at all times, except where more than one room  
3 is used for [~~any~~] one game, in which case the provisions of  
4 Subsection O of this section shall prevail.

5 Q. The particular arrangement of numbers required  
6 to be covered in order to win the game and the amount of the  
7 prize shall be clearly and audibly described and announced to  
8 the players immediately before each game is begun.

9 R. [~~Any~~] A player is entitled to call for a  
10 verification of all numbers drawn at the time a winner is  
11 determined and for a verification of the objects or balls  
12 remaining in the receptacle and not yet drawn. The  
13 verification shall be made in the immediate presence of the  
14 member designated to be in charge of the occasion [~~but~~] or, if  
15 [~~such~~] that member is also the caller, [~~then~~] in the immediate  
16 presence of [~~any~~] an officer of the licensee.

17 S. In the playing of bingo, no person who is not  
18 physically present on the premises where the game is actually  
19 conducted shall be allowed to participate as a player in the  
20 game.

21 T. No person shall act as a caller in the conduct  
22 of [~~any~~] a game of bingo unless [~~he~~] the person has been a  
23 member in good standing of the licensee conducting the game or  
24 one of its licensed auxiliaries for at least six months  
25 immediately prior to the date of [~~such~~] the game, is of good

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1 moral character and has never been convicted of a felony.

2 U. No owner, co-owner or lessee of the premises  
3 [~~or~~] and, if a corporation is the owner of the premises, [~~any~~]  
4 no officer, director or stockholder owning more than ten  
5 percent of the outstanding stock shall be a person responsible  
6 for or assisting in the holding, operating or conducting of  
7 [~~any~~] a game of bingo.

8 V. A religious organization licensed pursuant to  
9 the Bingo and Raffle Act with limited resources may request,  
10 and the licensing authority may allow, exceptions to rules of  
11 the licensing authority regarding relaxing reporting,  
12 bookkeeping, background investigations and equipment  
13 requirements that are needed to allow the religious  
14 organization to continue offering games of chance. The  
15 religious organization and the licensing authority shall enter  
16 into an agreement stating the rules specific to the religious  
17 organization entering into the agreement with the licensing  
18 authority. Once agreed upon, the relaxed rules shall be  
19 strictly adhered to by the religious organization or the  
20 agreement and the license of the religious organization to  
21 conduct games of chance pursuant to the Bingo and Raffle Act  
22 may be terminated by the licensing organization."

23 Section 2. EMERGENCY.--It is necessary for the public  
24 peace, health and safety that this act take effect immediately.